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C O N F I D E N T I A L SECTION 01 OF 02 HELSINKI 000456

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STATE FOR S/WCI/JVIBUL-JOLLES AND AMB WILLIAMSON

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TAGS: [PREL](#) [PHUM](#) [OSCE](#) [EUN](#) [ICJ](#) [GG](#) [RS](#) [FI](#)
SUBJECT: AMBASSADOR WILLIAMSON IN FINLAND

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Classified By: Political Chief Scott Brandon for Reasons 1.4 (b) & (d)

¶1. (C) Ambassador Williamson briefed Finnish officials about his recent trip to Georgia on September 15. Williamson urged the Finns to use their chairmanship to push for a more robust OSCE monitoring mission that would have access to South Ossetia and Abkhazia and could document abuses. Finnish officials expressed reluctance, saying that the OSCE was a consensus organization and they would never be able to come to consensus if they try to push the mandate too far. Williamson agreed that the OSCE mandate might be limited in scope, but highlighted that the OSCE could possibly be the only international mission that has access to areas where crimes occurred. The GOF said it would continue to call for access to South Ossetia and hoped to be involved in all aspects of negotiations.

¶2. (C) In later meetings, Williamson briefed MFA legal advisors and human rights official about the U.S. position on the International Criminal Court (ICC) and the possibility of Georgia referring a case to the ICC. Williamson also reiterated U.S. interest in Finland accepting detainees from Guantanamo Bay.

Meeting with MFA OSCE Officials

¶3. (C) On September 15 Ambassador Williamson met with Ambassador Heikki Talvitie, the Ministry of Foreign Affairs (MFA) Special Envoy of the OSCE Chairman-in-Office, and Ambassador Aleksi Harkonen, MFA Head of the OSCE Chairmanship. At the outset, Talvitie provided his impressions of the East-West dynamics at play in the Georgia crisis. He stated that Russia fears a dominant position of the U.S., NATO and the EU in its "near abroad" and identified a similar fear in the EU and US that Russia will dominate. He noted that there is no arrangement that allows all actors to compete on the same level in the region.

¶4. (C) Talvitie turned to the visit occurring that day between OSCE Head of Mission Hakala and Russian FM Lavrov in Tskhinvali, Georgia. Talvitie said it would be acceptable for OSCE officials to meet Lavrov there but not South Ossetian (S.O.) officials. Harkonen referred to the "green light" from Washington regarding the meeting, but said that in Georgia they had received both red and green lights, apparently reflecting Georgian fears that a meeting would recognize Russian control on the ground and that Lavrov might invite S.O. officials. Harkonen said OSCE would announce that it was visiting its office and staff in Tskhinvali. Talvitie said it was an "ironic twist" that now OSCE officials were reluctant to meet with Russians, and not the reverse.

¶5. (C) Turning to the question of monitors, Harkonen said

that the original mandate for the OSCE mission "included everything," but in reality it was a military, monitoring operation with eight observers. There are also 20 new observers that will be adjacent to South Ossetia, and discussions were on going for 80 additional monitors. Harkonen noted that the main concern now is observing the return of Georgians to their villages. He remained hopeful that an agreement would be reached, noting that Russia might ultimately prefer OSCE monitors to EU ones. Ambassador Williamson agreed and stressed that it was clear from the GAERC (General Affairs and External Relations Council) that the EU would not have access to S.O. and Abkhazia. The OSCE might be the only international body with access to areas where crimes occurred. Tuula Yrjola, Head of the MFA's Eastern Europe and Central Asia Unit, agreed. The language of any mandate for the monitors must cover all of internationally recognized Georgia, he said, but on the ground it would take some time to get monitors into S.O. and Abkhazia.

16. (C) Ambassador Williamson, noting that acts of violence were far less numerous than claimed by the Russians, said that the international community needs to get a better sense of what happened on the ground. He added that the greatest concern is ethnic cleansing. Because of the possibility that ethnic cleansing was occurring and because of the reports of violence, Williamson stressed that a robust OSCE mission is critical. Williamson added that after discussions with the Georgians, he believes they will refer a case to the International Criminal Court (ICC). If this case goes forward, there will be need for evidence of crimes committed by both the Russians and the Georgians. Harkonen responded that the Council of Europe and the OSCE cannot go further than continuing their current mandate. Talvitie jumped in to say

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that the level of hatred exhibited in Georgia is as high as that seen in the Balkans; in both places people managed to live side by side peacefully until conflict breaks, and that both sides, "don't give any mercy" and Abkhazia and S.O. have been "lost" in part due to errors by the West.

17. (C) Ambassador Williamson reiterated that any investigation would likely focus on both sides and that the ICC would most likely focus on crimes committed by S.O. officials, not Russians. Harkonen was concerned that OSCE field missions are consensus based and a mandate which would allow them to investigate crimes, would destroy consensus. Talvitie added that investigations are something for the future; at this point the international community must work to stabilize the situation. Harkonen and Talvitie backed down from this position as Williamson explained that accountability deters future crimes and is critical to stopping violence on the ground. He added that while active investigative work might be impossible, passive observation and documentation of crimes would nevertheless be helpful. Talvitie responded that the GOF has been saying all along that they want access to S.O. while Harkonen noted that they have been "forum shopping" because they want to remain involved in all international discussions on the issue.

Meeting with MFA Public and International Law Officials

18. (C) Ambassador Williamson met with Marja Lehto Director of the MFA Unit for Public International Law, Sari Makela Counselor and First Secretary Jyri Jarviaho from the North America Unit to brief them on the U.S. position on the ICC. Lehto inquired about the U.S. position toward the ICC, and thanked the U.S. for its pragmatic policy. Williamson explained the recent U.S. vote on the UN Security Council Resolution on Darfur. The U.S. remains very supportive of the UN Mission in Darfur (UNIMID), but officials did not feel that the language in

the resolution was strong enough on accountability; language in the resolution indicated that a deal could be made for an article 16 deferral. Williamson explained that since that time he has talked to the French and the British and he does not see anything that would justify an article 16 deferral. Lehto noted the African Union and the Organization of Islamic Conference support the Sudanese and are against the ICC indictment. Williamson agreed that the perception of the ICC in Africa is bad, but the deferral is an affirmative process; the Chinese or Russians cannot veto and help the Sudanese.

¶9. (C) Ambassador Williamson reported on his meetings with Georgian prosecutors, saying that while the ICC might be investigating the situation in Georgia, it is not the type of case that the ICC would take up on their own. The Georgians will have to refer the case; however, because of a lack of resources, that would most likely happen after and International Court of Justice (ICJ) decision on Georgia's claim against Russia.

Meeting with MFA Human Rights Officials

¶10. (C) Ambassador Williamson met with Sofie From-Emmesberger, Director of the MFA Unit for Human Rights, to discuss his meetings in Georgia and push for GOF pressure for robust international monitoring missions. From-Emmesberger agreed that observer missions should push for access to these areas, but had little information on GOF plans for future missions.

¶11. (C) Ambassador Williamson explained the current situation of detainees at Guantanamo Bay. While the GOF has previously rejected U.S. requests that they consider accepting detainees, Williamson explained that the closure of Guantanamo Bay is a humanitarian issue and he hopes that the GOF will consider accepting low threat detainees. Williamson added that if Finland is unable to accept detainee, he hopes that they will be openly supportive of other countries accepting them. From-Emmesberger promised she would pass the request to higher levels.

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